

REMARKS

Claims 1, 3-5, 8, 11-47, 49-51, 54-61 and 73-109 were pending. Claims 1, 12, 25, 47, 58, 89, 90, 102-103 and 106 are currently amended. Claim 101 is cancelled. In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and withdraw them.

Summary of Interview

Applicants thank Examiner Michael Hicks for his time in granting an interview on March 4th, 2009. During this interview, the rejection under 35 USC 102 was discussed and undersigned representative put forth proposed amendments to the claims to further distinguish the claimed invention over the cited art. The Examiner agreed that the proposed claim limitations related to the automatic identification of aspects are not disclosed by the cited art. Based on this discussion, the Examiner and the undersigned representative reached agreement that the amendments included herein distinguish the claimed invention over the cited art.

Response to Claim Objections

In the 4th paragraph of the Office Action, the Examiner objects to claims 104 and 106 because of informalities.

Claims 101 is cancelled. Based on this cancellation, claim 104 is not a copy of claim 101. Claim 106 has been amended to recite “below” in place of “above.” Based on this amendment, claim 106 is not a copy of claim 105. Thus, Applicants respectfully request that the Examiner withdraw this objection.

Response to Rejection Under 35 U.S.C. 103(a)

In the 5th and 6th paragraphs of the Office Action, the Examiner rejects claims 1, 3-5, 8, 11, 16-24, 47, 49-51, 54, 57, 73-77, 83-88, 91-92, 101 and 104-106 under 35 U.S.C. 103(a) as allegedly being unpatentable over Tripp et al., US Patent Number 6,976,053 (“Tripp”) in view of Mathur et al., US Patent Number 6,581,072 (“Mathur”) in further view of Brandli et al., US Patent Number 5,701,469 (“Brandli”). In the 8th paragraph of the Office Action, the Examiner rejects claims 25, 78-82 and 99-100 as allegedly being unpatentable over Musgrove (US Publication No. 2005/0065909) in view of Mathur in further view of Brandli. These rejections are respectfully traversed.

Independent claims 1, 25 and 47 recite methods and program code for generating implicit search queries. An aspect associated with an article is automatically identified responsive to a user-interaction with the aspect. An aspect can be, for example, a prominent term or feature of an article, information about an article’s author or publisher, a caption, a status bar, a web counter associated with a web page article, a name or an email address (*see* Specification, paragraph [0042]). An interaction with the aspect can comprise, for example, clicking on the aspect or hovering a pointing device over the aspect (*see* Specification, paragraph [0050]). An implicit search query is generated based on the identified aspect.

Independent claims 1, 25 and 47 have been amended more clearly emphasize that the identification of the aspect occurs “responsive to a user interaction with the aspect.” As suggested by the Examiner, independent claims have also been amended to recite that the aspect associated with the article is identified “automatically” and that the user-content-dependent search query is generated “implicitly.”

Specifically, claim 1, in relevant part, recites:

automatically identifying an aspect associated with an article responsive to a user interaction with the aspect;
implicitly generating a user-context-dependent search query based, at least in part, on the aspect and a user action history comprising a plurality of dates upon which a plurality of user actions were performed on a plurality of articles, responsive to identifying the aspect associated with the article;
generating an insert based, at least in part, on the aspect, wherein the insert comprises a search result associated with the aspect and is generated responsive, at least in part, to searching an article index using the user-context-dependent search query

Claim 47 recites limitations similar to claim 1. Claim 25 recites, in relevant part:

automatically identifying an aspect associated with an article responsive to a user interaction with the aspect;
implicitly searching a local article index with a user-context-dependent search query for a search result associated with the aspect, wherein the user-context-dependent search query is based, at least in part, on the aspect and a user action history comprising a plurality of dates upon which a plurality of user actions were performed on a plurality of articles;
automatically generating an insert comprising an image representing the search result;

None of Mathur, Tripp or Brandli disclose these features, alone or in combination. Specifically, Mathur, Tripp and Brandli all fail to disclose “automatically identifying an aspect associated with an article responsive to a user interaction with the aspect.”

As discussed with the Examiner, Tripp is directed to methods of searching which require input from users and fails to disclose “automatically identifying an aspect.” The Examiner indirectly acknowledges this deficiency of Tripp on pg. 4 of the instant Office Action, where the Examiner states *“that the invention, as claimed, does not indicate any automation or computer involvement in identifying the aspect, thus a user searching for known files on the users computer meets this limitation”* and thus implies that Tripp alone would not render obvious a claim directed to automatic identification of aspects. Accordingly, Tripp fails to disclose “automatically identifying an aspect associated with an article responsive to a user-interaction with the aspect.”

Mathur fails to remedy the deficiencies of Tripp. Specifically, Mathur fails to disclose “automatically identifying an aspect responsive to a user interaction with the aspect.” While Mathur does suggest elements of implicit search, at most Mathur discloses using “the contents of the document being browsed / viewed by the user as a search query.” Mathur does not teach the identification of specific content within the document being browsed or viewed (i.e. “an aspect”) responsive to user interaction with the specific content of the document. Therefore, Mathur fails to disclose “automatically identifying an aspect associated with an article responsive to a user interaction with the aspect.”

Brandli fails to remedy the deficiencies of Tripp and Mathur. Brandli is directed to a system for generating a search index. The cited portions of Brandli do not disclose elements directed to implicit search such as “automatically identifying an aspect associated with an article responsive to a user interaction with the aspect.”

Musgrove also fails to remedy these deficiencies. Musgrove is directed to generating displaying advertisements for products responsive to analysis of word scores in documents. Similar to Mathur, Musgrove discloses generating search queries based on generically analyzing the contents of a document, not automatically identifying specific content such as “an aspect associated with an article” responsive to “a user interaction with the aspect.” Thus, Musgrove fails to disclose “automatically identifying an aspect associated with an article responsive to a user-interaction with an article.”

Based on the above, Applicants submit that independent claims 1, 25 and 47 and their dependents are patentably distinguishable over Tripp, Mathur, Brandli and Musgrove.

In the 7th paragraph of the Office Action, the Examiner rejects claims 12-15 and 58-61 under 35 U.S.C. 103(a) as allegedly being unpatentable over Tripp in view of Mathur in further

view of Phelps (“All you can seek”, Special Services, July 1999, Vol. 7, Iss. 7). This rejection is respectfully traversed.

Claims 12-15 and 58-61 respectively depend from claims 1 and 47 which have been shown above to be patentably distinguishable over Tripp, Mathur and Brandli. Phelps is limited to user-customization of searches and does not teach elements directed to implicit search such as “automatically identifying an aspect associated with an article responsive to a user interaction with the aspect.” Accordingly, Phelps fails to remedy the deficiencies of Tripp, Mathur and Brandli. Thus, Applicants submit claims 12-15 and 58-61 are patentably distinguishable over Tripp, Mathur and Brandli.

In the 9th, 10th and 11th paragraphs of the Office Action, the Examiner rejects claims 89-90, 93-95, 96-98, 102-103 and 107-109 under 35 U.S.C. 103(a) as allegedly being unpatentable over various combinations of Tripp, Mathur, Brandli and Musgrove in further view of Morrison et al. (U.S. Patent Number 6,803,9906) and Cantrell (U.S. Publication Number 2002/0103698). This rejection is respectfully traversed.

Claims 89-90, 93-95, 96-98, 102-103 and 107-109 respectively depend from claims 1, 25, and 47 which have been shown above to be patentably distinguishable over Tripp, Mathur, Brandli and Musgrove. Neither Morrison, nor Cantrell remedy the deficiencies of Tripp, Mathur, Brandli and Musgrove, nor does the Examiner allege that either does. Morrison is directed to a passive touch system. Cantrell is directed to methods for enabling user control over ad campaigns. Both Morrison and Cantrell fail to disclose elements directed to implicit search such as “automatically identifying an aspect associated with an article responsive to a user interaction with the aspect.” Accordingly, Applicants submit claims 89-90, 93-95, 96-98, 102-

103 and 107-109 are patentably distinguishable over Tripp, Mathur, Brandli, Musgrove, Morrison and Cantrell.

CONCLUSION

Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
DAVID B. AUERBACH ET AL.

Date: April 16, 2009

By: /Brian Hoffman/

Brian M. Hoffman, Reg. No. 39,713
Attorney for Applicant
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2484
Fax: (415) 281-1350